

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,

Plaintiff,

vs.

TYSON FOODS, INC., et al.,

Defendants.

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Case No. 05-cv-329-GKF-PJC

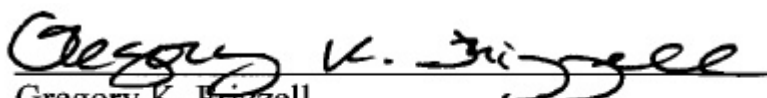
**ORDER**

Before the court is the joint motion of certain defendants to Vacate the Partial Consent Decree entered May 19, 2009.

Upon review of the joint motion and the briefs filed in response thereto, it appears that motion to vacate must be granted and a fairness hearing conducted to permit objectors to be heard at “a meaningful time and in a meaningful manner,” *Kelley v. Wagner*, 930 F.Supp. 293, 298 (E.D. Mich. 1996) (citing *Mathews v. Edridge*, 424 U.S. 319, 333 (1976)), and to permit this Court to make an independent judgment as to whether the proposed settlement is fair and reasonable.

WHEREFORE, the Joint Motion to Vacate Partial Consent Decree [Doc. No. 2135] is granted, and this matter is hereby set for hearing on the 14<sup>th</sup> day of August, 2009 at 1:30 p.m. to consider the substantive fairness of the proposed partial consent decree.

IT IS SO ORDERED this 27<sup>th</sup> day of July 2009.

  
Gregory K. Frizzell  
United States District Judge  
Northern District of Oklahoma